



The Diamond State  
Port Corporation  
(DSPC) Federal  
Consistency Review

Presented by the Delaware  
Department of Natural Resources  
and Environmental Control, Division  
of Climate, Coastal and Energy

Laura Mensch, Delaware Coastal  
Management Program (DCMP)

Virtual Public Hearing

September 29, 2020

# Federal Consistency Review Authority



Federal Consistency is a provision in the Coastal Zone Management Act that requires the federal government to comply with a state's federally approved Coastal Management Program when taking actions that are likely to affect the coastal uses and resources of that state.



# Federal Consistency Review Authority

The DCMP has review authority through 15 C.F.R. part 930, Subpart D, Consistency for Activities Requiring a Federal License or Permit.

# Federal Consistency Review



The DCMP Federal Consistency Policy and Procedures document is used to review projects for Federal Consistency.

The Federal Consistency Policy and Procedures document is comprised of enforceable policies based on pre-existing state laws, regulations and executive orders.

The DCMP coordinates its consistency response with state networked partners.

# Applicant for Federal Consistency Review



The Diamond State Port Corporation (DSPC) has applied for a Federal Permit – U.S. Army Corps of Engineers (USACE) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

# Proposed Activity



The DSPC proposes to construct a new container port on the Delaware River at DSPC's Edgemoor property, 4600 Hay Road, Edgemoor, New Castle County, DE 19809, Tax Parcel ID 0615300006 and 0615300003.

This project will include the construction of an approximately 2,600-foot long, pile-supported wharf structure, dredging of 3.3 million cubic yards of river sediments and underlying soil, excavating the berth and access channel to a depth of -45 feet mean lower low water, and bulkheading 3,200 linear feet of shoreline. Dredged materials will be stored in confined disposal facilities and portion of the dredge may be used as fill. The use of shoaling fans are being proposed to reduce the frequency of future maintenance dredging.

# Regulatory Timeline



March 18, 2020 – DSPPC submitted to the DCMP:

- Federal Consistency Certification and Completed Application Form
- Copy of the USACE Permit Application, CENAP-OP-R-278
- Environmental Assessment Technical Document (EATD) and Appendices

# Regulatory Timeline



June 10, 2020 – DCMP issued an extension letter to extend the review from 3 months to 6 months in accordance with 15 C.F.R. part 930, Subpart D, §930.60.





# Regulatory Timeline

June 11, 2020 - DSPC submitted to the DCMP:

- Revised EATD and Appendices to reflect the possible beneficial reuse of Strata B, to be stored onsite in a dedicated Confined Disposal Facility (CDF).

# Regulatory Timeline



August 3, 2020 – the DCMP and DSPC mutually agreed to stay the DCMP 6-month review period in accordance with 15 C.F.R. §930.60(b).

# Regulatory Timeline



August 23, 2020 – the DCMP, in accordance with 15 C.F.R. §930.61, provided public notice of the proposed activity and invited public participation in the review by issuing a public notice of the receipt of the Consistency Certification and advertisement of the date of the scheduled Public Hearing.

# Public Participation



Written comments may be submitted to the Hearing Officer via the online comment form at [de.gov/dnrecomments](https://de.gov/dnrecomments), via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or via USPS to the below address. The Department will accept public comment through Sunday, November 1, 2020.

Lisa A. Vest, Hearing Officer  
Office of the Secretary  
Department of Natural Resources and Environmental  
Control  
89 Kings Highway  
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This concludes the Delaware Coastal Management portion of the presentation.

Thank you.